

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

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v.

* CRIMINAL NO. 1:15CR65LG-RHW

MIKAL C. WATTS, et al.

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**MIKAL WATTS' MOTION TO PERMIT HIM TO SELF-REPRESENT,
WITH ROBERT McDUFF SERVING AS HIS STANDBY COUNSEL**

COMES NOW Defendant Mikal C. Watts, and files "Mikal Watts' Motion to Permit Him to Self-Represent, With Robert McDuff Serving as His Standby Counsel." In support thereof, he respectfully offers the following:

Watts previously filed a Motion to Permit His Hybrid Defense, asking that the Court exercise its discretion to permit both Watts and McDuff to represent him before the jury. The Court denied that motion. Watts now moves the Court to permit him to self-represent, with Robert McDuff serving as his standby counsel. No confusion of the jury will occur. Mikal Watts respectfully avails himself of his Sixth Amendment right to represent himself. Watts acknowledges that the Court will likely conduct a hearing to provide Watts with the *Fareta* warnings, as required by the Fifth Circuit. Watts is prepared to address such inquiry and provide the Court with a sufficient foundation upon which to permit him to self-represent. He also respectfully moves the Court to exercise its discretion then to permit Robert McDuff to serve as his standby counsel, performing the following functions:

- sitting with Watts at counsel table in the courtroom during trial, in order to provide him with contemporaneous advice unheard by the jury, as is often done in cases where defendants self-represent;
- at Watts' specific request, making certain legal arguments to the Court outside the presence of the jury, or at the bench, when the possibility of jury confusion is not present;
- with permission of his client, drafting, editing and filing motions with the Court, and arguing such motions from time to time at Watts' specific request, outside of the presence of the jury.

Watts requests that he be allowed to receive Mr. McDuff's assistance as is typically allowed for defendants who self-represent, and Watts respectfully requests the Court to permit this arrangement here.

Respectfully submitted,

s/ Robert B. McDuff
Robert B. McDuff (Miss. Bar #2532)
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December 15, 2015

CERTIFICATE OF SERVICE

I hereby certify that on December 15, 2015, I electronically filed the foregoing with the Clerk of Court using the ECF system which sent notification of such filing to all counsel of record.

s/ Robert B. McDuff